

**US Army Corps  
of Engineers**  
Louisville District ®

# Joint Public Notice

Public Notice No.  
LRL-2014-408-A-teh

Open Date:  
16 Jan 2018

Closing Date:  
15 Feb 2018

Please address all comments and inquiries to:  
U.S. Army Corps of Engineers, Louisville District  
ATTN: Todd E. Hagman, CELRL-RDE, Rm 752  
P.O. Box 59  
Louisville, Kentucky 40201-0059

Phone: 502-315-6683

This Joint Public Notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act (CWA) and for State Water Quality Certification pursuant to Section 401 of the CWA from the Indiana Department of Environmental Management, Office of Water Quality. The Public Notice LRL-2014-408, dated December 25, 2017 through January 24, 2018 was administratively withdrawn and replaced with the current Joint Public Notice.

**APPLICANT:** TBD, LLC  
4206 Charlestown Road  
New Albany, Indiana 47150

**AGENT:** Paul Primavera & Associates  
301 E. Chestnut Street  
Corydon, Indiana 47112

**LOCATION:** Streams, wetlands and open waters within a 190-acre parcel southwest of the intersection of Grant Line Road and Dug Knob Road in New Albany, Floyd County, Indiana

Latitude: 38.39741  
Longitude -85.81411  
7.5 Minute Quad: Speed, Indiana

**PURPOSE:** Residential development.

**DESCRIPTION OF WORK:** The applicant is applying for an after-the-fact permit to construct a residential development consisting of the installation of utilities and roadways, and grading home lots. The proposed project would impact approximately 970 linear feet of one (1) intermittent stream channel, 3,102 linear feet of ten (10) ephemeral streams, 0.21 acre of four (4) emergent wetlands and 0.33 acre of two (2) open water ponds. The applicant has impacted 330 linear feet of the intermittent stream through bank stabilization and the removal of an old culvert. In addition, 0.035 acre of Wetland 5 and 0.31 acre of Open Water Pond 4 have been filled.

***Table 1 Proposed Wetland Impacts***

Water ID	Type	Impact/Activity	Impacts in Acres
Wet 1	Emergent	Fill	0.044
Wet 2	Emergent	Fill	0.056
Wet 3	Emergent	Fill	0.071
Wet 5	Emergent	Fill	0.035
		<b>Total</b>	<b>0.21</b>

**Table 2: Proposed Stream Impacts**

Water ID	Type	Impact/Activity	Impacts in Linear Feet	Impacts in Acres
Int 1	Intermittent	Bank Stabilization/Fill	970	
Eph 1	Ephemeral	Fill	480	0.003
Eph 2	Ephemeral	Fill	363	0.001
Eph 3	Ephemeral	Fill	530	0.01
Eph 6	Ephemeral	Fill	100	0.001
Eph 27	Ephemeral	Fill	640	0.03
Eph 36	Ephemeral	Fill	235	0.01
Eph 37	Ephemeral	Fill	505	0.02
Eph 38	Ephemeral	Fill	60	0.001
Eph 39	Ephemeral	Fill	59	0.001
Eph A	Ephemeral	Fill	130	0.002
		<b>Total</b>	<b>4,072</b>	

**Table 3 Proposed Open Water Impacts**

Water ID	Type	Impact/Activity	Impacts in Acres
OW1	Open Water	Fill	0.018
OW4	Open Water	Fill	0.307
		<b>Total</b>	<b>0.33</b>

**AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES:** The applicant considered design alternatives within the project area to reduce impacts. Various on-site design options were evaluated to determine how best to accommodate the development, while preserving waters/wetlands to the maximum extent practicable. The applicant has stated that the scattered distribution of streams across the site has made it impossible to avoid all jurisdictional impacts. Lots were situated such that roads would be constructed along the higher ridges between areas of waters. Wherever possible, backs of lots would be situated along waters to minimize impacts. Stream crossings to the rear of the property were minimized by the creation of longer cul-de-sacs rather than a grid pattern of streets. Road crossings to access rear portions of the property would be located perpendicular to streams to reduce impacts. Roadways were planned to avoid wetlands onsite.

The applicant proposes to provide compensation for the unavoidable impacts to streams and wetlands associated with this project through the development of on-site permittee responsible mitigation. Stream mitigation would consist of the creation of 4.66 acres and preservation of 2.23 acres of riparian buffers along portions of ephemeral and intermittent streams. On-site wetland mitigation would consist of 0.5 acre of wetland restoration. The restoration would include re-establishment of an isolated wetland, isolated open water pond and adjacent uplands. All mitigation areas would be permanently protected through recordation of a deed restriction.

It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

**REVIEW PROCEDURES:** A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied.

A DA Permit, if otherwise warranted, will not be issued on this project until a State of Indiana Section 401 Water Quality Certification (WQC) from the Indiana Department of Environmental Management (IDEM) is on file in this office or it is considered waived. This Public Notice serves as the notice for a Clean Water Act Section 401 application for water quality certification from the IDEM. IDEM will review this proposal for compliance with the applicable provisions of Section 301, 302, 303, 306 and 307 of the CWA, including the state water quality standards currently set forth at 327 IAC 2. They will consider comments regarding this proposal postmarked by the closing date of this notice. Comments to IDEM should be addressed to: IDEM, Office of Water Quality, Section 401 WQC Program, 100 N. Senate Avenue Room N1255, Indianapolis, Indiana 46204. The applicant is responsible for obtaining the certification from IDEM.

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, prehistoric, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 – Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency (USEPA), under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also

Regulatory Division  
Mitigation, Compliance, and Enforcement Branch  
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used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Todd E. Hagman, CELRL-RDE at the address noted above and should refer to the Public Notice Number LRL-2014-408-teh.

If you desire to submit your comments by email, you must comply with the following:

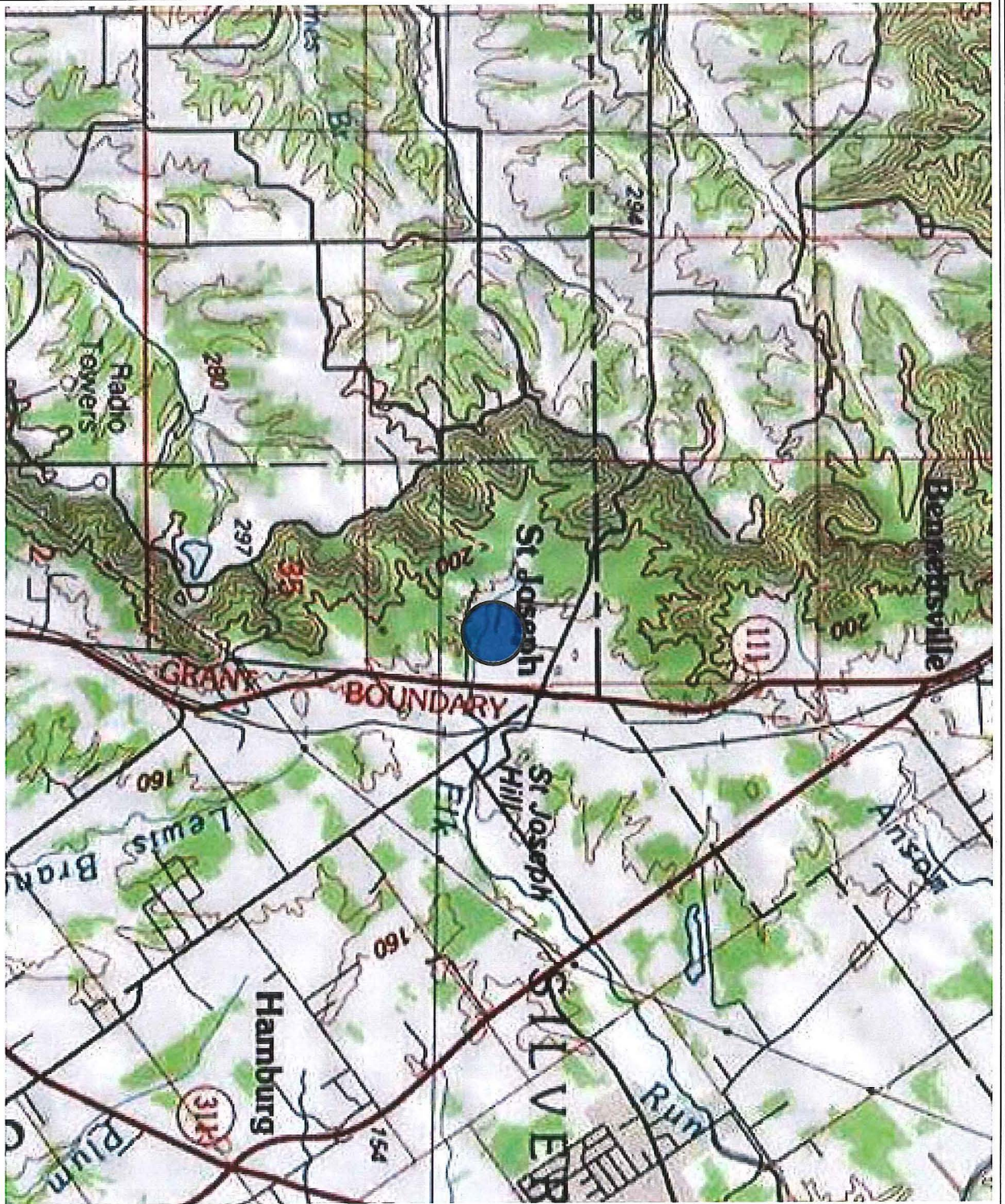
- a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2014-408-teh

Example:

Subject: LRL-2014-408-teh

- b) Provide your physical mailing address and telephone number.
- c) Send your email to: [lrl.regulatorypubliccomment@usace.army.mil](mailto:lrl.regulatorypubliccomment@usace.army.mil)
- d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.





LRL-2014-408 Glenwood Farms Location Map

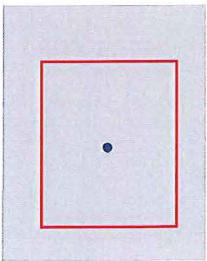


38.39741 -85.81411  
USGS 1:24K Quad: Speed

0 500 1000 1500m

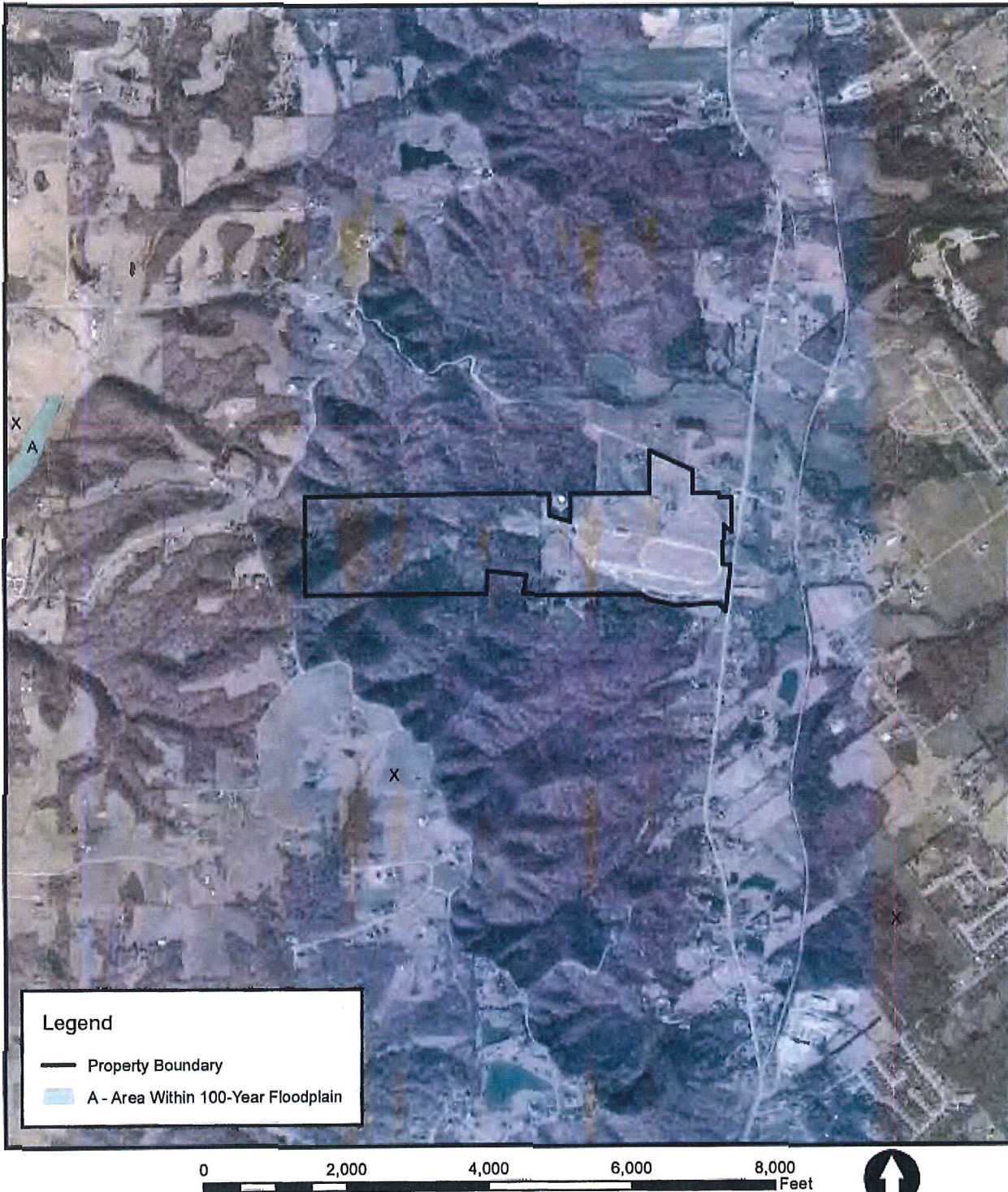
Date Printed: 12.13.2017

Map Scale: 1:54168





Source: Imagery\_Basemap courtesy of <http://gis.ults.iu.edu/ArcGIS/rest/services>. FEMA DFIRM Flood Data, Floyd County, Indiana (2010).



GLENWOOD FARMS  
FLOYD COUNTY, INDIANA



LRL-2014-408-  
Property Boundary  
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